



## CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814

### NOTICE OF EFFECTIVE DATE OF REGULATION AMENDMENT

**California Code of Regulations  
Title 2, Administration  
Division 5, Local Agency Personnel Standards**

**DATE:** May 4, 2000

**TO:** ALL STATE AGENCIES AND EMPLOYEE ORGANIZATIONS

**SUBJECT:** Local Agencies Defined

This memorandum is to advise you that the amended language contained in the attached regulation became effective on March 24, 2000.

This amendment revises Title 2 of the California Code of Regulations (CCR) to clarify the intent of existing CCR, Title 2, Section 17528(d). In an earlier appeal from a rejection during probation, a county employee based her appeal on her belief that the term "within the local agency" meant "within the entire county," based on CCR, Title 2, Section 17030(h), which, defines "local agency" to mean "any city, county, city and county, district, or other subdivision of the state or any independent instrumentality thereof." Implementing the appellant's interpretation would have inappropriately provided her with mandatory reinstatement to a county position with an entity that is part of the Interagency Merit System (IMS) when the appellant was rejected from a probationary position with another county entity that is not in the IMS.

This rulemaking action therefore deletes the ambiguous term "within the local agency" and replaces it with a clear and specific definition. The Authority Note is also being amended from Section 19803 to 19801, as the latter statute is more appropriate.

Inquiries regarding this action may be directed to Steve Unger at the State Personnel Board, P.O. Box 944201, Sacramento, CA 94244-2010, or telephone (916) 654-0842.

LAURA M. AGUILERA, Chief  
Personnel Resources and Innovations Division

Attachment: Text of Regulation as Amended



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### Regulations Governing Demotion, Reinstatement and Leaves

For this amendment, text added to the regulations is indicated by underline and text deleted from the regulations is indicated by strikethrough.

#### Title 2. ADMINISTRATION

#### Division 5. Local Agency Personnel Standards

#### Chapter 2. Merit System Regulations

#### **Section 17528 is amended to read:**

#### **§17528. Reinstatement.**

(a) Permissive Reinstatement. Upon request of an appointing authority to the State Personnel Board Executive Officer, a person who has held permanent or probationary status in the IMS shall be eligible for reinstatement. Reinstatement may be made to any class in which the employee previously had permanent or probationary status, or to another class with substantially the same duties as determined by the State Personnel Board Executive Officer. An appointing authority may require a reinstated employee to serve the probationary period for the class to which the employee is reinstated.

(b) Mandatory Reinstatement After a Nonpermanent Appointment. A permanent or probationary employee who has accepted an emergency, limited-term or provisional appointment in a higher class within the same agency shall, if the employee so desires at the termination of that appointment, be reinstated to a position in the former class.

(c) Mandatory Reinstatement After an Exempt Appointment. An employee with permanent status in the IMS who has accepted an exempt appointment as county welfare director or deputy director in the same or another IMS agency shall, if the employee so desires at the termination of that appointment, be reinstated to a position in the former class.

(d) Mandatory Reinstatement After Rejection During Probation. A permanent appointee who has vacated a position within a department or subdivision that is in IMS in a county to accept another position within

the same or another department or subdivision that is in IMS in the same county local agency, and who is rejected during the probationary period, shall be reinstated to a position in the former class, except if dismissed under Section 17544. Reinstatement shall be reported to the State Personnel Board Executive Officer by the appointing authority on the appropriate personnel document.

NOTE: Authority cited: Section 19803~~1~~, Government Code. Reference: Section 19800, Government Code; and Karen Patchin (1998) SPB Dec. No. 98-06.